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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 29 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Parts 1, 2 and)
21 of the Commission's Rules)
Governing Use of the Frequencies)
in the 2.1 and 2.5 GHz Bands)

PR Docket No. 92-80
RM 7909

ORIGINAL
FILE

To: The Commission

COMMENTS OF TRIBUNE BROADCASTING COMPANY

Tribune Broadcasting Company ("Tribune"), by its attorneys, hereby submits its comments in response to the Commission's Notice of Proposed Rule Making, 7 FCC Rcd 3266 (1992) ("Notice"), in the above-captioned proceeding.¹ Tribune generally supports the Commission's initiative to reorganize and simplify the regulation of MDS² stations.

Tribune embraces the Commission's suggestion of, where possible, defining MDS service areas by the MSA/RSA boundaries now used for cellular telephone system licensing. Notice at ¶¶ 26-28. If the Commission's goals include facilitating the

¹Tribune subsidiary WGNO Inc. is the licensee of Multi-channel Multipoint Distribution Service (MMDS) station WLW963, New Orleans, Louisiana. Tribune subsidiary ChicagoLand Television, Inc. is the licensee of Multipoint Distribution Service (MDS) stations WOF49, Chicago, Illinois and WGW344, Waukegan, Illinois.

²In these Comments "MDS" will be used to refer collectively to MDS and MMDS.

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practical use of MDS, the Commission must recognize the critical need for an MDS licensee to cover its entire market area. The present, contour-based "cookie cutter" approach to licensing MDS service, combined with the limited service area provided for each station by the current rules, makes it extremely impractical if not impossible for some operators to reach their entire market. The MSA/RSA area boundaries, based as they are on population centers, seem generally appropriate for use in MDS service.³ Moving to such a system would free the Commission from dealing with mileage separation or other protection analysis on an application-by-application basis.

In adopting an MSA/RSA licensing scheme, the Commission must ensure that existing licensees are afforded the right to the extended coverage this method of licensing provides. Where there is only one existing station with a transmitter site within the given MSA/RSA area (or more than one if held by the same licensee) on a given channel, the station license(s) should be modified by the Commission to permit service to that entire MSA/RSA area. In the case of more than one existing licensee located within an MSA/RSA area on a given channel, the existing service areas of the stations should continue to be protected, perhaps through rules incorporating a mileage separation standard, and the existing licensees should be afforded a first-in-right oppor-

³The Commission recently adopted the MSA/RSA licensing approach for another video-related service, the Interactive Video and Data Service (IVDS). Report and Order, Amendment of Parts 0, 1, 2 and 95 of the Commission's Rules to Provide Interactive Video and Data Services, 70 R.R.2d 523 (1992).

tunity to apply to "fill-in" coverage in remaining portions of the MSA/RSA area contiguous to their existing service areas.

With respect to pending applications, Tribune supports the Commission's suggestion of simply returning them for refiling in a new filing window. Id. at ¶ 29. Changes in the rules are obviously necessary in view of the aging, hopelessly entangled application backlog that now exists. Such rule changes will undoubtedly impact on the proposals of pending applications in a manner not foreseen by the applicants, eliciting a wave of application amendments that may even more complicate the "daisy-chain" puzzle of applications presently before the Commission. In fairness to all pending applicants, and to conserve its own administrative resources in this area, the Commission should start over with a new filing window for unused channels in each MSA and RSA, giving all comers adequate notice of changes in the rules.

Tribune urges caution upon the Commission in its consideration of a mileage separation standard as an interference protection criterion for MDS stations. In the Notice, the Commission presupposes a mileage separation based on an "assumed value" for transmitting antenna height above average terrain (HAAT) of 180 meters. Id. at ¶ 12 n.20. The Commission seeks "comment as to whether an HAAT limitation should be placed on MDS transmitting antennas to prevent the possibility of interference" from transmitting antennas with HAATs greater than the HAAT value assumed in the mileage separation standard. Id. The Commission

also requests comment on the potential impact on existing MDS stations in terms of interference protection and spectrum efficiency. Id. at ¶ 13.

Although moving to a mileage separation system in lieu of the existing contour protection rules may possibly simplify the Commission's processing of MDS applications, any such change in the rules should be fashioned so as to: 1) ensure the ability of stations to locate their facilities at high elevation sites commensurate with good engineering practice; and 2) protect the existing service areas of stations.

At the microwave frequencies upon which MDS operates, transmitted signals propagate by line-of-sight such that any shadowing of a receive antenna from the signal source can disrupt or eliminate service. Sound engineering principals dictate that an MDS transmitting antenna be located at a sufficient elevation for the antenna to "see" all of the potential receive sites within the station's service area. In urban areas, the preponderance of buildings and other man-made obstacles makes it necessary for licensees serving such areas to locate their transmitting antennas on tall buildings or tall tower facilities to ensure consistent coverage within their service areas. Likewise, in the case of rural areas, where there are commonly fluctuations of terrain and sometimes widespread population distributions, the ability to locate the transmitting antenna at a high elevation may also be critical for uniform coverage.

In the case of Tribune's Chicago MDS station, the transmitting antenna is located atop the John Hancock Center at a height of 1,121 feet above average terrain. Because the site is one of the tallest buildings in Chicago, the transmitting antennas of many FCC licensees, including numerous television and FM radio stations, are located there to assure acceptable coverage in this urban environment. Tribune's New Orleans MDS station is collocated with other MDS and ITFS licensees on a tall building, at 662 feet above average terrain, which minimizes interference and coverage difficulties within the stations' service areas.

Were the Commission to impose an absolute height limitation on transmitting antennas, the use of necessary and advantageous sites could be precluded. Indeed, the sites presently used by Tribune in Chicago and New Orleans would be prohibited if the Commission were to adopt such a rule with its "assumed height" of 180 meters (591 feet) or some similar figure as the limit. The Commission should encourage, rather than restrict, the use of sites which maximize the quality of service provided by MDS stations.

In adopting rules to streamline the processing of applications for new MDS stations or facilities, protecting the service areas of existing MDS stations should continue to be a priority. Existing MDS licensees have already undertaken investment and made commitments to serve the public on the basis of

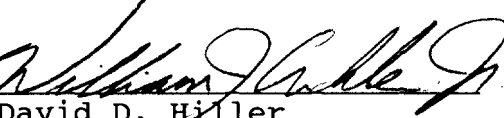
the facilities now licensed.⁴ Merely grandfathering the height (and power level) of stations currently licensed at heights above an "assumed height" may not provide sufficient flexibility for modifications and may not allow new stations on adjacent channels to be collocated with such existing stations to avoid mutual interference. If the Commission adopts any mileage separation system, it should include in that scheme sufficient separation between stations to obviate restrictions on height, using, if necessary, a station classification system such as that presently used to regulate FM broadcasting stations. Presently-licensed facilities, and any later-granted new stations or modifications, could be classified, for mileage separation purposes, based on the specified antenna height of the facility.

⁴For example, Tribune's Chicago and Waukegan MDS stations have been given authority by the Commission to distribute local television programming to cable headends and Tribune has entered into contracts which require the delivery of service with certain minimum signal-to-noise ratios at the receive sites. If the Chicago station is required by some rule change to reduce its transmitting antenna height or operating power, the station may no longer be able to provide the required service.

Tribune urges the Commission to undertake the necessary changes in its rules to resolve its difficulties with MDS application processing while preserving existing service to the public.

Respectfully submitted,

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